1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 SOUTHERN DISTRICT OF CALIFORNIA 10 11 DANIEL WILLIAM MAY, Civil No. 14CV2038-BEN(JMA) 12 Petitioner. ORDER DENYING REQUEST FOR 13 v. [DOC. NO. 15] & EXTENDING THE ERIC ARNOLD, Warden, et al., 14 DEADLINE TO FILE TRAVERSE Respondent. 15 16 Petitioner is a state prisoner proceeding pro se with a Petition for Writ of Habeas Corpus 17 filed pursuant to 28 U.S.C. § 2254. On January 22, 2015, Petitioner filed a Motion for Stay and 18 Abeyance. [Doc. No. 15.] 19 The stay and abeyance procedure is one of several options a habeas petitioner who files 20 a "mixed petition" (meaning a habeas petition containing both exhausted and unexhausted 21 claims) may choose to pursue in order to permit the petitioner to return to state court to exhaust 22 additional claims while the federal proceedings are stayed. Rhines v. Weber 544 U.S. 269, 125 23 S.Ct. 1528, 1534-35 (2005). Here, although Petitioner requests a "stay in abeyance," the purpose 24 of his request is not to exhaust claims in the state court system, but rather to wait for the 25 disposition of a habeas petition filed by Petitioner's co-defendant [Berardi v. Paramo, 26 13CV1598-BLM(BTM)] and to allow Petitioner time to obtain exhibits from the California 27 Supreme Court that were submitted in support of his petition to that court for habeas corpus 28 review.

Petitioner has not shown good cause to stay proceedings in this matter. The Court, however, does find good cause to extend the deadline for Petitioner to file a Traverse in order to allow him additional time to obtain the documents he seeks from the California Supreme Court. Out of caution Petitioner filed a Traverse on January 29, 2015, while his motion to stay was pending. [Doc. No. 17, p. 15.] If Petitioner wishes to file an Amended Traverse that includes the documents he seeks from the California Supreme Court he may do so no later than March <u>13, 2015</u>. IT IS SO ORDERED. DATED: February 4, 2015 U.S. Magistrate Judge